

# **MEETING SUMMARY**

## **NACEPT Superfund Subcommittee**

June 17-18, 2003

New Bedford, MA



*Prepared by Meridian Institute  
July, 2003*

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The NACEPT Superfund Subcommittee held its fifth meeting June 17-18, 2003 in New Bedford, MA. This document summarizes discussion topics and key decisions made during the meeting. The meeting was open to the public and audio recorded. Interested individuals and members of the press were present as observers. The Subcommittee's agenda designated several opportunities for public comment as summarized in the appropriate sections of this document. A written transcript was prepared and is available through the Environmental Protection Agency's (EPA) Docket #SFUND-2002-0005. Angelo Carasea, the Designated Federal Officer (DFO), is the primary point of contact for all public and press inquiries.

The June 17-18, 2003 meeting was intended to accomplish the following objectives:

- Provide an opportunity for the Subcommittee to review and discuss the compilation of information preliminary to report drafting (June 2003 draft report).
- Engage the full Subcommittee in discussions regarding preliminary findings and recommendations developed by the writing teams, creating teams and work groups.
- Provide input from EPA Region 1, the state of Massachusetts and the Town of New Bedford regarding the New Bedford Harbor site and related Sediment Site issues relevant to the Subcommittee's Charge.
- Provide input from Representatives of Environmental Justice Communities.
- Establish a schedule for the development of the Draft Final Report.
- Provide an opportunity for public comment.
- Provide Subcommittee Members an opportunity to visit a large complex sediment site.

## **Tuesday, June 17, 2003**

Dr. Raymond Loehr, Chairman of the Subcommittee, opened the meeting and welcomed the Subcommittee members. He introduced Angelo Carasea, the DFO for the Subcommittee and John Ehrmann, the lead facilitator for the group, from Meridian Institute. Dr. Loehr summarized the Subcommittee's charge, its activity since the fourth meeting and the goals for the fifth meeting. The Introductory Statement was available as a handout and is included in Attachment A. Dr. Loehr asked each Subcommittee Member to briefly introduce him or herself.

### ***Agenda Review***

John Ehrmann, Meridian Institute facilitator, briefly explained the agenda for the meeting.

### ***Opening Remarks***

The Honorable Frederick Kalisz – Mayor, City of New Bedford, welcomed the Subcommittee to New Bedford and provided opening remarks. He presented slides summarizing the key accomplishments of the cleanup activities conducted in New Bedford.

### ***Introduction of the Draft Subcommittee Report***

Ray Loehr explained the history and nature of the “June 2003 draft report”. The key topics he addressed included the following:

- The drafting process built off of the white papers and other documents developed by work groups. Work group material was synthesized into the “June 2003 draft report” that was to be discussed.
- The audience for the report includes: USEPA, interested and affected parties, site and program-wide stakeholders, state agencies, Congress, and knowledgeable members of the public. The assumption is that the audience will be knowledgeable of Superfund issues to varying degrees.
- The “June 2003” draft does not represent final statements, recommendations, or conclusions of the Subcommittee or any of the members.
- The report will not be final until December.
- Considerable changes are expected between now and the next draft.
- Considerable and possibly heated discussion is expected during this meeting to address areas of disagreement.
- One of the goals of this meeting is to separate the relevant from the interesting and to identify explicit changes and suggestions for the next draft.
- The next draft needs (1) more focus on the hard questions; (2) clearer conclusions, findings, statements and recommendations; (3) more focus on the Charge and (4) clear articulation of differences of opinion.

The Chairman emphasized the fact that during this meeting, the staff would be looking for a variety of types of comments, including:

- Editorial (typos, re-wording)
- Organizational
- Clarifications and definitions
- Conclusions, findings, recommendations
- Disagreement, no consensus

He further explained that the core components of the Final Report were expected to include:

1. Executive Summary
2. Body of the report (key findings, statements, recommendations, logic framework, differences of opinion)
3. Appendices (Detailed work documents, background documents, website access to meeting summaries, etc.)

Finally, the chair emphasized the fact that there would be additional opportunities to polish and finalize the report in the future. The schedule would be discussed later in the meeting.

John Ehrmann explained the focus of the review of the “June 2003 draft report” at this point in process and explained how the agenda was organized to discuss and revise the “June 2003 draft report”.

### ***Group Discussion of Draft Report***

The bulk of the meeting was focused on discussing the Subcommittee’s comments on the “June 2003 draft report”, deliberating over the issues and developing consensus where possible on the recommendations. The key issues raised addressed (1) comments on the introduction and organization of the report; (2) comments on the substance of the recommendations; and (3) new ideas for consideration (not already included in the report.) The details of all the comments can be found in the transcript of the meeting, available through the DFO.

### **Miscellaneous Business**

Wilma Subra and Angelo Carasea reported on the briefing they provided at the meeting of the full NACEPT Council. Some members of the Council have expressed concern that the scope of the Subcommittee is too narrow. Some members felt that the Subcommittee should consider the cost/benefit analysis issues associated with Superfund. The Council agreed that a representative would raise these issues with Assistant Deputy Administrator Horinko. The Council would like to comment on the draft report of the Superfund Subcommittee at the Council’s meeting in late September. Therefore, the draft available at the Subcommittee’s meeting in September will likely be the version they will review.

### **Public Comment**

Members of the public were invited to comment on their perspectives and concerns regarding Superfund and the work of the Subcommittee.

1. Sandra Jaquith  
Rocky Mountain Arsenal
2. Doris Bradshaw  
Defense Depot Memphis Tennessee Concerned Citizens Committee

The testimonies are included in the meeting transcript, available through the DFO.

## **Wednesday, June 18, 2003**

John Ehrmann reviewed the agenda for the day. Most of the day was spent continuing the deliberations of the “June 2003 draft report”. From 3:00 PM to 5:00 PM the Subcommittee heard from the Environmental Justice Panel.

### **Group Discussion of Draft Report Continued**

The Subcommittee continued its deliberation on key issues raised in the “June 2003 draft report”. Details of the discussion are available in the meeting transcript through the DFO.

### **Environmental Justice Panel and Discussion**

Subcommittee members Dolores Herrera and Mildred McClain moderated the Environmental Justice presentations and lead an interactive discussion among the panel members and the Subcommittee. Members of the Panel included the following:

#### **Panel Members**

- Florence Robinson, North Baton Rouge Environmental Association, Baton Rouge, LA
- Charles Utley, Hyde and Aragon Park Improvement, Chair of Augusta Brownfields Commission, Augusta GA
- Michael Lythcott, The Lythcott Company, Marlboro, NJ
- Veronica Eady, Department of Urban and Environmental Planning, Tufts University

Dolores Herrera and Mildred McClain provided a welcome, an overview of Environmental Justice issues and introduced the panel members. After presentations from each of the panel members, an interactive discussion was facilitated among the panel members. The session concluded with a question and answer period for the Subcommittee members. Some of the topics addressed in the presentations and discussion included the following:

- The Subcommittee should be targeting “out of the box” recommendations. Look for creative and innovative solutions.
- There is a lack of grass roots representatives and diverse perspectives from people of color communities on the Subcommittee.
- A lot of the environmental justice issues we are dealing with today come from the fact that the siting of many of these facilities (that are now on the NPL) came at a time when African Americans had no voice in the democratic process.
- Early community involvement is critical to an effective program, effective cleanup of sites and community satisfaction with the cleanup.
- There is a difference between the term “community” and “near neighbor”. It is a matter of degree – the neighborhood that has born the impact of the site is in a different category.

- Superfund creates the opportunity for TAG grants. Strengthen this tool to include factors like redevelopment so that communities can be fully informed.
- There are gentrification and displacement issues that we should be considering. What we are seeing is that the more you devolve Superfund from the national level to the states, the more the EJ communities are being devolved. This is an unintended consequence identified by a work group on the National Environmental Justice Advisory Council (NEJAC).
- Something must be done about transaction costs associated with Superfund. These funds should be going into the cleanup of communities. We should be willing to put “polluter pays” on the table in exchange for reducing transaction costs.
- Don’t let Superfund die. Strengthen it. Fund it and if it’s broken, then fix it, but the devolution of authority isn’t the way to fix it.
- In your report, have some language that shows some heart. Have some soul so that people understand that there was real involvement and understanding. (that may come in the cover letter too)
- Regarding the nature of community involvement, we need to provide communities the resources they need to be able to understand the issues necessary to be able to participate actively.
- We use the term “risk” in terms of the chances of creating human health impacts, but risk has not predicted the illnesses that have developed in these communities. We are using a faulty tool.
- It would be helpful to see a list of alternatives to Superfund that EJ communities could consider taking advantage of.
- Adequate health care is a critical element that is missing for these impacted communities.
- In EJ communities, homeownership is a critical step in a family’s evolution. Many Superfund sites involving EJ communities have families that would have to go back to public housing if they are relocated.
- Impacts on property values to the homes adjacent to sites should be considered.

The panel was invited to comment in writing on the “June 2003 draft report” and the draft HRS work group document to help the Subcommittee integrate the panel members’ ideas into the Subcommittee’s decision making.

### **Public Comment**

Members of the public were invited to comment on perspectives and concerns regarding Superfund and the work of the Subcommittee. The following individuals commented:

3. Sandra Jaquith  
Rocky Mountain Arsenal
4. Doris Bradshaw  
Defense Depot Memphis Tennessee Concerned Citizens Committee
5. Larry Silverman  
Attorney – Environmental Consultant

Testimonies are included in the meeting transcript, available through the DFO. The public meeting adjourned at approximately 6:20 PM

## ATTACHMENTS

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- A. Meeting Introductory Information
- B. List of Presentations and Handouts
- C. List of Subcommittee Members and Staff in Attendance
- D. List of Observers



## **Attachment A – Meeting Introductory Information**

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### **Introductory Information** NACEPT Superfund Subcommittee June 17-18, 2003 Meeting

The Superfund Subcommittee of the National Advisory Council for Environmental Policy and Technology (NACEPT) was established in June 2002 for the purpose of assisting EPA in identifying the future direction of the Superfund Program in the context of other federal and state waste and site cleanup programs. Specifically, the Subcommittee will review the relevant documentation and, to the extent possible, provide answers to questions that relate to: a) the role of the NPL, b) mega sites, and c) measuring program performance. The Subcommittee will operate as, and be subject to, the requirements of a Federal Advisory Committee.

Membership on the committee represents a diversity of interests. Subcommittee members include senior-level decision-makers and experts from: academia, business and industry, community and environmental advocacy groups, state, local and tribal governments, environmental justice, and non-governmental and professional organizations. Dr. Raymond Loehr, Professor of Civil Engineering at the University of Texas in Austin, is the chair of the Subcommittee.

The Subcommittee is working to accomplish its Charge through quarterly Subcommittee meetings and interim Work Group meetings over about an 18-month period. It is anticipated that one or a series of consensus reports will result from the Subcommittee deliberations. However, where consensus cannot be reached, a written discussion of the views of Subcommittee members is to be provided. As appropriate, the Subcommittee may also respond to issues in the form of “consultation,” i.e., dialogue, rather than a formal written report.

Interactive discussion and questioning for the purpose of probing an issue and clarifying a point will be encouraged. As such, any material developed by a Subcommittee member(s), any presentations by a Subcommittee member(s), or comments made by Subcommittee Members at this and future meetings should neither be interpreted to reflect their current Subcommittee position on the subject under discussion, nor their future position as it may evolve over the course of deliberation. Additionally, the comments of an individual Subcommittee Member should not be interpreted as positions of the EPA. The Subcommittee will deliberate thoroughly before developing consensus findings, conclusions or recommendations. Any report on the opinion of the group will undergo rigorous review by all Subcommittee Members before it is considered final and transmitted to EPA.

### Subcommittee Meetings

To-date, the Subcommittee has held four meetings. Three were held in Washington D.C. (June 17-19, 2002; September 23-24, 2002 and January 7-8, 2003) and one was held in Phoenix, AZ on March 12-14, 2003. A summary of the meetings can be obtained via the EPA website at (<http://www.epa.gov/oswer/SFsub.htm>). Highlights from the most recent meeting are included below.

#### March 2003 Meeting

The NACEPT Superfund Subcommittee held its fourth meeting March 12 through 13, 2003 in Phoenix, Arizona. The meeting was open to the public. The main purposes of the meeting included the following:

- Provide an opportunity for the Site Types and Cleanup Programs Work Groups to report on their process and status of their deliberations.
- Engage the full Subcommittee in discussions regarding preliminary conclusions, policy options and recommendations developed by the Work Groups.
- Provide input from the state of Arizona DEQ and EPA Region 9 regarding experience relevant to the Subcommittee's Charge.
- Provide input from Community members with experience in the state and federal cleanup programs.
- Define the Work Groups and the focus of their activities between the March 2003 and June 2003 plenary meetings.
- Review the Subcommittee schedule and determine a path forward.
- Provide an opportunity for public comment.
- Provide Subcommittee Members an opportunity to visit a large complex mining site being addressed through the State cleanup program.

As a result of the deliberations during the March 2003 meeting, the Subcommittee agreed to organize itself into writing teams, creating teams and work groups. The Measuring Program Progress Work Group agreed to reconvene after taking a hiatus between the January and March meetings in order to focus the efforts of the group members on the increasing demands of the other two groups.

Writing Teams were established as 2-3 person teams to develop the ideas that had been drafted, discussed by the Subcommittee and were ready to be developed into preliminary text for the Draft Final Report. Writing Teams included:

- HRS
- Program funding and efficiencies
- Federal Programs
- Prevention Issues
- Characteristics that define large complex sites (Mega sites)

Creating Teams were established as groups of 5-6 people working together to refine

issues somewhat developed, but needing more discussion among a small group of members before text was drafted for the Draft Final Report. Creating Teams included:

- Prioritization of Sites once they are on the NPL
- Use of NPL (AKA “NPL scenarios”)
- Subdividing sites
- State programs

A work group was developed to address a variety of issues around NPL listing that still needed significant discussion among Subcommittee members. Topics identified to be addressed by the work group members included:

- Early Screening
- Coordinating Committee
- RI/FS development for more sites
- Preliminary RI and other special approaches to large complex sites

In addition to conducting its work via conference calls, the NPL Listing Work Group held an in-person meeting on April 30 to May 1 in Washington D.C.

Additionally, the Measuring Program Progress work group reconvened after the March meeting. The focus of their efforts was to respond to EPA on draft documents and initiatives under development within the agency, to integrate ideas from other subcommittee efforts (including funding prioritization and mega sites in particular) into their efforts and to continue work on developing additional options for program measurements to be considered by the Subcommittee. In addition to conducting its work via conference calls, the Measuring Program Progress Work Group held an in-person meeting on April 29th in Washington D.C..

### **Summary of Activity Since Last Meeting**

During the period of time between the March 2003 meeting and the June 2003 meeting, the Subcommittee members participated in team activities via conference calls and face-to-face meetings. The majority of their efforts related to the drafting and reviewing of recommendations for consideration by the full Subcommittee.

### **Objectives of the June 17-18, 2003 Meeting**

The June 17-18, 2003 meeting is intended to accomplish the following objectives:

- Provide an opportunity for the Subcommittee to review and discuss the preliminary draft of a final report.
- Engage the full Subcommittee in discussions regarding preliminary findings and recommendations developed by the writing teams, creating teams and work groups.

- Provide input from EPA Region 1, the state of Massachusetts and the Town of New Bedford regarding the New Bedford Harbor site and related Sediment Site issues relevant to the Subcommittee's Charge.
- Provide input from Representatives of Environmental Justice Communities.
- Establish a schedule for the development of the Draft Final Report.
- Provide an opportunity for public comment.
- Provide Subcommittee Members an opportunity to visit a large complex sediment site.

This is an open session for public record. Interested individuals and members of the press have been invited to attend as observers. The Subcommittee will be entertaining questions from the floor during the designated times on the agenda. Angelo Carasea, the Designated Federal Officer, will be available to assist reporters and other interested individuals who would like additional information. His contact information is available on the Roster at the registration table.

## **Attachment B – Presentations and Handouts**

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The following presentations and handouts are available electronically as separate documents:

1. Subcommittee Charge
2. June 2003 Draft Subcommittee Report
3. Town of New Bedford Presentation

## **Attachment C – List of Subcommittee Members and Staff in Attendance**

### **Subcommittee Members**

Raymond Loehr - Chairman  
University of Texas at Austin

William Adams  
Kennecot Utah Copper Corporation

Sue Briggum  
Waste Management

Doris Cellarius  
Sierra Club

Grant Cope  
Earthjustice

James Derouin  
Steptoe & Johnson

Richard Dewling  
Dewling Associates, Inc.

Steve Elbert  
BP America, Inc.

Jane Gardner  
General Electric

Glen Hammer  
Ashland, Inc.

Dolores Herrera  
Albuquerque San Jose Community  
Awareness Council, Inc.

Robert Hickmott  
Smith-Free Group

Aimee Houghton  
Center for Public Environmental Oversight

Ken Jock  
St. Regis Mohawk Tribe

Frederick Kalisz  
City of New Bedford

Gary King  
State of Illinois

Ed Lorenz  
Alma College

Mildred McClain  
Harambee House, Inc.

Michael Mittelholzer  
National Association of Home Builders

Tom Newlon  
Stoel Rives

Victoria Peters  
State of Colorado

Kate Probst  
Resources for the Future

Ed Putnam  
State of New Jersey

Mel Skaggs  
InDepth Environmental Associates

Wilma Subra  
Louisiana Environmental Action Network

Michael Tilchin  
CH2M Hill

Jason White  
Cherokee Nation

Robin Wiener  
Institute of Scrap Recycling Industries

### **EPA Representatives**

Barry Breen  
U.S. Environmental Protection Agency

Lawrence Starfield  
U.S. Environmental Protection Agency

**Designated Federal Officer**

Angelo Carasea  
U.S. Environmental Protection Agency

**Subcommittee Staff**

Holly Dobson  
Meridian Institute

John Ehrmann  
Meridian Institute

Molly Mayo  
Meridian Institute

Elizabeth McManus  
Ross and Associates Environmental Consulting

## Attachment C - List of Observers and Public Comments

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### NACEPT Superfund Subcommittee June 17-18, New Bedford, MA

#### **Public Comment:**

1. Sandra Jaquith  
Rocky Mountain Arsenal
2. Doris Bradshaw  
Defense Depot Memphis Tennessee Concerned Citizens Committee
3. Larry Silverman  
Attorney – Environmental Consultant

#### **Public Observers:**

- |   |  |
|---|--|
| 1. Scott Alfonse<br>City of New Bedford               | 11. Jean Martin<br>BP – attorney               |
| 2. Michael Bonchonsky<br>Dowling Associates           | 12. William Michaud<br>SRA International       |
| 3. Steve Caldwell<br>US EPA                           | 13. Paul Montney<br>Georgia Pacific            |
| 4. Ron Carreira<br>Eagle Safety                       | 14. Doug Motha<br>Mayor's Office – New Bedford |
| 5. Paul Connor<br>EPA                                 | 15. Stacy Silva<br>Dyn Corp                    |
| 6. Carolyn Copper<br>U.S. EPA                         | 16. Nico Sloss<br>US GAO                       |
| 7. Paul Craffey<br>MA DEP                             | 17. Matthew Thomas<br>City of New Bedford      |
| 8. Mike Crystal<br>Sevenson Environmental<br>Services | 18. Jim Vondracek<br>Ashland                   |
| 9. Alan Hanley<br>General Electric                    | 19. Dale Young<br>MA EOEA                      |
| 10. Stephen Langel<br>Inside Washington Publishers    |  |



